

## PROPOSED AMENDMENTS TO THE FRANKLIN COUNTY AREA ZONING CODE

Be it known that a representative and/or counsel for each the Franklin County Commissioners, the Franklin County Area Plan Commission, and the Council for the incorporated towns of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, all met in a round table session on or about September 30, 2011. During this roundtable, ideas were discussed to attempt to reach a compromise that would allow the county and each incorporated municipality to effectively govern their own public entity while continuing to share a joint zoning code enforced and overseen by the Franklin County Area Plan Commission pursuant to the applicable state laws. After the roundtable, the following was agreed upon by only the representative of each entity, with everyone understanding that a majority vote by each entity would be required to formally approve such a proposal. As such, the ***Town of Brookville***, by its Council, hereby proposes the following amendments to the current Franklin County Area Zoning Code.

1. That section 80.01(C)(2) be removed from the Zoning Code.
2. That 80.03.04(B)(2) be amended to clarify as follows: to require a minimum of 1,000.00 square feet for the ground floor of a home consisting of two or more stories, while keeping the total minimum square footage for all floors at 1440.
3. That Section 80.05.02 Basic Homeowner Additional Uses, General Uses (A)(1), remain as stated for the unincorporated portions of Franklin County [hereinafter referred to as the County] and the Town of Laurel. However, the Towns of Brookville, Cedar Grove, Mt. Carmel and Oldenburg [hereinafter referred to as the designated Towns] should be treated differently with regard to permit requirements before the installation and/or construction of certain improvements within the designated Towns. As such, within the designated Towns, a permit from the Town in which the installation and/or construction is to occur, shall be required before installing any driveways, patios, curbs, drainage devices, walks, retaining walls, storage sheds over 150 square feet, green houses over 150 square feet, or any other structures over 150 square feet.
4. That Section 80.05.04(A)(2)(a), Pets and Domesticated Animals, Requirements for keeping of Domestic Pets, Indoor Pets, remain as stated for the County and the Town of Laurel. However, within the designated Towns, there shall be permitted no more than seven (7) indoor pets in any residence.
5. That Section 80.05.05(A) Events (A) Rummage, garage, and yard sales remain as stated for the County and the Town of Laurel. However, within the designated Towns, rummage, garage, and yard sales shall be permitted without permit provided that there are not more than two (2) such sales annually per residence or premises with each sale not lasting more than two (2) days in duration.
6. That Section 80.05.07(C) regarding Mobile Homes be removed and the current 80.05.07(D) should be renamed as 80.05.07(C).
7. That Section 80.05.08 regarding Home Businesses remain as stated for the County and the Town of Laurel. However, within the designated Towns, Home Businesses shall be regulated by the language of 80.36 of the Area Zoning Code (pre-modification language) regarding Home Businesses. This permits the Towns to have additional restrictions that are not applicable in the County and the Town of Laurel.

8. That Section 80.05.09 regarding Signs remain as stated for the County and the Town of Laurel. However, within the designated Towns, signs shall be regulated by the language of 80.38 of the Area Zoning Code (pre-modification language) regarding Signs. This permits the designated Towns to have additional restrictions that are not applicable in the County and the Town of Laurel.

9. That Section 80.06.04 regarding Specific Conditional Uses remain as stated for the County and the Town of Laurel. However, within the designated Towns, all Specific Conditional Uses set forth under 80.06.04, shall be designated Class 3, requiring an Improvement Location Permit from the Town in which the Conditional Use is requested, and the approval process as set forth under 80.06.03, including, but not limited to, the requirement for a public hearing.

10. That Section 80.08.07 Mobile Homes, Manufactured Homes and RVs; (C) Temporary Use remain as stated for the County and the Town of Laurel. However, within the designated Towns of Brookville and Mount Cannel, the Temporary Use of Mobile Homes, Manufactured Homes and RV's shall be governed by the language of 80.35 under the Area Zoning Code (pre-modification language). Further, within the Towns of Oldenburg and Cedar Grove, the Temporary Use of Manufactured Homes and RV's shall be governed by the language of 80.35 under the Area Zoning Code, but the Temporary Use of Mobile Homes shall be prohibited altogether.

11. That Section 80.08.08 regarding Private Lanes (D) Multiple Homes remain as stated for the County and the Town of Laurel. However, within the designated Towns, only one home shall be permitted per private drive or lane.

12. That Section 80.11.02(8) be removed in its entirety.

13. That Section 80.13(C) remain as stated for the County and the Town of Laurel. However, within the designated Towns, the definition of "violation" shall be amended to clarify that "each day a violation occurs shall constitute a separate offense and shall be punishable as such subject to the limits of applicable state and federal laws."

14. That Section 80.03.06 (B)(1) be amended for clarification purposes. Specifically, the language "no sewer utilized" shall be replaced by "no public sewage system is utilized" and the language "sewer utilized" would be replaced by "public sewage system is utilized".

Further, under Multi-Family Dwellings, there needs to be a distinction between minimum lot area depending upon whether a public sewage system is utilized or not. Thus, that section shall be amended to clarify that a minimum lot size of 9,000.00 square feet is required for the first 3 units and an additional 1,500 square feet shall be required for each additional unit *where public sewage is utilized*. Further, a minimum lot size of 18,000.00 square feet shall be required for the first 3 units and an additional 3,000 square feet shall be required for each additional unit *where no public sewage is utilized*.

Further, the designated Towns request to amend 80.03.06(B)(1) of the current code to state that the square footage for two family homes, where no public sewage system is utilized, be 20,000.00 square feet. (The Towns had previously voted to amend the 20,000.00 to 12,000.00 but after consulting with the area plan and health department, believe that it needs to be changed back to 20,000.00 as set forth in the County's original amendments.)

15. That Section 80.03.10, I-1, with regard to Enclosed Industrial District, Permitted Uses and Dwellings, remain as stated for the County and the Town of Laurel. However, within the designated Towns, single family and manufactured homes will only be permitted if they meet the specifications for

R-3 zoning requirements.

16. That Section 80.08.03(C)(6)(a) regarding Yard Exceptions and Storage, remain as state for the County and the Town of Laurel. However, within the designated Towns, the current language of 80.08.03(C)(6)(a) shall be modified to remove the words "required" and "setback" and leaving all other words as written. Thereby, clarifying that, within the designated Towns, no portion of any yard shall be used for the permanent storage of those items listed therein.

17. That the zoning code designations for the unincorporated areas of Franklin County and the incorporated Town of Laurel remain as stated. The designation of an (I) after the existing zoning designations will serve to identify the designated Towns (all incorporated towns within Franklin County, with the exception of Laurel). For example, A-1 shall refer to Prime Agriculture within the unincorporated portions of Franklin County and the Town of Laurel, while A-1(I) shall refer to the Incorporated Towns of Brookville, Cedar Grove, Mt. Carmel and Oldenburg.

(Not all zoning areas will likely need to be differentiated between the County and the Towns, but which areas will need separate designation is not yet known. We look to the Area Plan Commission on Guidance on exactly which areas will need to be differentiated between.)

These are the amendments being proposed by the Town of Brookville in Order to attempt to return to one unified Zoning Code within the County of Franklin, State of Indiana.

We hereby request the Area Plan Commission to consider these proposed amendments and to make a recommendation to the county and all entities within the Area Plan Commission under the procedures as set forth by Indiana Law and more specifically, Indiana Code 36-7-4-600 et. al.

SIGNED BY THE TOWN COUNCIL/BOARD MEMBERS OF THE TOWN OF

David H. Flegler

Paul J. Hill

Michael A. Biltz

Bob O'Bryen

Jim R. Fivens

Linda L. Dunn

Attested by the Clerk/Treasurer of the Town

BROOKVILLE, THIS 1-11 DAY OF De knist &, 2011.

Demonstration License